

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JERRY RAY HALL,

Plaintiff,

v.

A. DAVID ROBINSON, *et al.*,

Defendants.

Civil Action No. 7:21-cv-00366

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Jerry Ray Hall, a Virginia inmate proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983, claiming that prison officials refused to allow him to order religious food items through the commissary at Augusta Correctional Center. Hall also submitted a partial application to proceed *in forma pauperis*. Court records, however, indicate that Hall has had at least three prior actions dismissed as frivolous or for failure to state a claim upon which relief may be granted.* Therefore, under the three-strikes provision of the Prison Litigation Reform Act, Hall may not proceed with this action unless he either prepays the entire filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g); *see also Lomax v. Ortiz-Marquez*, 140 S. Ct. 1721, 1723 (2020) (holding that “any dismissal for failure to state a claim, whether with prejudice or without,” counts as a strike for purposes of § 1915(g)).

* *See Hall v. Place*, No. 7:20-cv-00707 (W.D. Va. Apr. 20, 2021); *Hall v. Williams*, No. 7:20-cv-00162 (W.D. Va. Apr. 21, 2020); *Hall v. Miller*, No. 7:19-cv-00874 (W.D. Va. Apr. 15, 2020).

Hall's complaint clearly fails to satisfy the "imminent danger" exception to the three-strikes provision. Because Hall has not prepaid the filing fee, the court will dismiss his complaint without prejudice under 28 U.S.C. § 1915(g).

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTERED this 17th day of June, 2021.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE